

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CIVIL APPLICATION No. 7265 of 2001****For Approval and Signature:****HONOURABLE MR.JUSTICE KS JHAVERI**

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- 1 Whether Reporters of Local Papers may be allowed to see the judgment ?
 - 2 To be referred to the Reporter or not ?
 - 3 Whether their Lordships wish to see the fair copy of the judgment ?
 - 4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
 - 5 Whether it is to be circulated to the civil judge ?

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**SWAMI RAMANAND SARASWATI TRUSTAND REVABHAI VALJIBHAI NAYAK -
Petitioner(s)**

Versus

DEVENDRAKUMAR MAFATLAL MAKWANA - Respondent(s)

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Appearance :

MR RC JANI for Petitioner(s) : 1,
MR PH PATHAK for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI**Date : 28/11/2005****ORAL JUDGMENT**

1. By way of this petition, the petitioner has challenged the award dated 10.08.2000 passed by the Labour Court, Kalol in reference (LCK) No.113/1993 whereby the Labour Court has directed the petitioner to reinstate the respondent on his original post with

continuity of service and awarded 100% backwages.

2. The brief facts of the case are that the respondent was employed as a sweeper in the petitioner's hospital on temporary basis from September, 1985 to July 1986. Thereafter he was again employed from 22.04.90 to 08.07.90. He was terminated from service on the pretext that he was not interested in working in the petitioner's hospital and he himself had left the services. The respondent, therefore, raised industrial dispute which was referred to the Labour Court, Kalol for adjudication. The Labour Court thereafter passed the aforesaid award.

3. Mr R.C Jani, learned advocate for the petitioner has submitted that the matter has been settled between the parties out of court.

4. The order of the Labour Court is, therefore, substituted in terms of the settlement arrived at between the parties. Rule is made absolute accordingly with no order as to costs.

(K.S. JHAVERI, J.)

Divya//